



HAGENS BERMAN

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March 5, 2014

VIA ECF

Hon. Rya W. Zobel
United States District Judge
United States Courthouse
One Courthouse Way
Boston, MA 02210

RE: *In Re: New England Compounding Pharmacy, Inc.*
MDL 2419; C.A. No.: 13-md-2419-FDS; 12-19882 (Chapter 11)

Dear Judge Zobel:

I write as Court-appointed Lead Counsel and as a member of the Plaintiffs' Steering Committee ("PSC") in *In re New England Compounding Pharmacy, Inc.*, MDL No. 2419.

As Lead Counsel, my firm drafts, circulates, collects comments on, and files a jointly proposed agenda before each status conference. We circulated a draft agenda for the Thursday, March 13, 2014 status conference to all interested parties and non-parties earlier today. We will file the final proposed agenda no later than Monday, March 10, 2014.

In response to a request from your clerk, we will make sure that the proposed agenda identifies all motions that are fully briefed and ripe for oral argument, as well as the names of counsel who will be prepared to argue those motions.

The Plaintiffs' Steering Committee will also provide the Court with a status report that includes a history of proceedings in this MDL, identifies open matters/issues, and flags some anticipated next steps. We understand that some other parties and/or non-parties intend to file their own status reports. The PSC will file its status report no later than Monday, March 10, 2014.

The Plaintiffs' Steering Committee appreciates that the Court has provided a dial in for the March 13, 2014 status conference.¹ On April 11, 2013, Judge Saylor entered MDL Order No. 4 (ECF No. 86), setting rules for attorneys who wish to participate in status conferences by telephone. MDL Order No. 4 provided,

¹ ECF No. 969 ("Here is the call-in number for 3/13 at 1:30 status conference;1-888-675-2535 (access code 7065717)").

March 5, 2014

Page 2

1. Counsel who wish to attend by telephone should notify Plaintiffs' Lead Counsel reasonably in advance of the proceeding. Lead Counsel shall prepare and submit to the Court a list of counsel appearing by telephone at or reasonably in advance of the proceeding.
2. Counsel attending by telephone will not be permitted to speak during the proceeding unless called upon or recognized by the Court. Counsel who wish to address a particular issue by telephone should endeavor to notify the Court in writing reasonably in advance of the proceeding, so that the Court can recognize counsel at an appropriate time.

The Plaintiffs' Steering Committee's understanding is that MDL Order No. 4 remains in effect unless and until this Court indicates otherwise. Lead Counsel will therefore collect and submit a list of counsel who intend to appear by telephone to the Court's clerk before the March 13, 2014 status conference.

Please do not hesitate to contact me or Kristen Johnson Parker about any other logistical matters relating to the upcoming status conference (or anything else).

Respectfully yours,

/s/ Thomas M. Sobol

Thomas M. Sobol

Kristen Johnson Parker

Edward Notargiacomo

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cc: All Counsel of Record (via ECF)